

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA	§
ex rel. EDWARD HENDRICKSON,	§
	§
Plaintiffs-Relator,	§
	§
v.	§
	§
BANK OF AMERICA, N.A., WELLS	§
FARGO BANK, N.A., CITIBANK, N.A.,	§
COMERICA BANK, WELLS FARGO	§
BANK, N.A., as successor in interest to	§
WACHOVIA BANK, N.A., JPMORGAN	§
CHASE BANK, NATIONAL	§
ASSOCIATION, COMPASS BANK,	§
MANUFACTURERES & TRADERS	§
TRUST COMPANY, SEACOAST	§
NATIONAL BANK, FIFTH THIRD BANK,	§
PNC BANK, N.A., THE NORTHERN	§
TRUST COMPANY, FROST BANK, THE	§
AMERICAN NATIONAL BANK OF	§
TEXAS, CENTRUE BANK, and	§
AMARILLO NATIONAL BANK,	§
	§
Defendants.	§

**CIVIL ACTION NO.
3:16-CV-292-M**

UNOPPOSED MOTION TO EXTEND TIME

Defendants¹ Bank of America, N.A., Wells Fargo Bank, N.A. (and Wells Fargo Bank, N.A. as successor in interest to Wachovia Bank, N.A.), Comerica Bank, JPMorgan Chase Bank, N.A., Compass Bank, Manufacturers and Traders Trust Company, Seacoast National Bank, Fifth Third Bank, PNC Bank, N.A., The Northern Trust Company, Frost Bank, American National Bank of Texas, Centrue Bank, and Amarillo National Bank (collectively, “the Defendant

¹ Defendant Citibank, N.A. has not appeared, but Relator’s counsel does not oppose extending the requested relief to all Defendants, including Citibank.

Parties”), by their respective undersigned counsel, move pursuant to Fed. R. Civ. P. 6(b) for a brief extension of time until and including September 29, 2017 for each of the Defendant Parties to file an answer or to otherwise respond to the Amended Complaint. Pursuant to the Local Rules, a proposed Order that has been reviewed and approved by counsel for the Defendant Parties and by counsel for Relator Edward Hendrickson (“Relator”) is being submitted contemporaneously herewith.

1. This action was filed by Relator on February 2, 2016 under the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. §3730(b)(1), alleging, among other things, that the Defendant Parties made false claims and otherwise violated the False Claims Act in connection with recurring federal payments through the ACH system for persons who had died. The matter was originally filed under seal to allow the U.S. Department of Justice (“DOJ”) a period of time to evaluate whether to intervene and take over the action. DOJ subsequently filed a pleading entitled “The United States of America’s Notice of Declination” on March 30, 2017 (Docket 11). Thereafter, Relator filed an Amended Complaint on July 20, 2017 (Docket 20) and various requests for summonses were filed with the Clerk on July 24, 2017. No deadline for a responsive pleading has yet expired for any Defendant Party that is seeking the extension of time sought by this Unopposed Motion.

2. The Amended Complaint covers 31 pages and makes broad ranging allegations covering many years and the business practices of 16 different banks, scattered across the country. The Defendant Parties accordingly seek a brief extension of time to answer or to otherwise respond to the Amended Complaint in order to allow the Defendant Parties time to appropriately review the Amended Complaint and to appropriately respond to it. In addition, this brief extension of time requested will allow the Defendant Parties the opportunity to explore

potential coordination regarding any motion(s) to dismiss that one or more of the Defendant Parties may choose to assert in response to the Amended Complaint.

3. Accordingly, the brief extension of time requested by the Defendant Parties to answer or to otherwise respond to the Amended Complaint will advance the Court's full consideration of potentially dispositive issues in this action while also allowing adequate time for the Defendant Parties to explore potential coordination.

4. This unopposed motion is not sought for purposes of delay.

WHEREFORE, the Parties respectfully request that this Honorable Court:

- A. GRANT this Unopposed Motion to Extend Time;
- B. GRANT each of the Defendant Parties an extension of time until and including September 29, 2017 to answer or to otherwise respond to the Amended Complaint; and
- C. AWARD such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Gregory C. Cook

Gregory C. Cook (Admitted *pro hac vice*)

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CERTIFICATE OF CONFERENCE

I, Gregory C. Cook, counsel for Compass Bank, hereby certify pursuant to Local Rule 7.1(a) & (b) that I previously conferred with Counsel for Relator and that Counsel for Relator has confirmed that (i) Relator does not oppose the extension sought by the Defendant Parties in this Unopposed Motion and (ii) Relator does not oppose the entry of the Proposed Order submitted herewith.

/s/ Gregory C. Cook
Gregory C. Cook

CERTIFICATE OF SERVICE

The undersigned certifies that counsel of record who are deemed to have consented to electronic service are served with a copy of this document via the Court's EM/ECF System on August 14, 2017, per Local Rule 5.1(e).

/s/ Gregory C. Cook
Gregory C. Cook